

Application No. 10/674,403
Amendment dated August 23, 2007
Reply to Office Action of March 23, 2007

Docket No.: 0941-0845P

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REMARKS

Claim 1-2, 5-13 and 28-29 remain in this application.

Claims 1-2 have been amended, and claims 28-29 have been added. Reconsideration of the application, as amended, is respectfully requested.

Examiner Interview

Applicant appreciates the courtesy extended by the Examiner in the personal interview on August 8, 2007. Applicant discussed proposed amendments, specifically, the inclusion of the limitation of chambers replaceable elements by detachment of the units from the fluid analyzing apparatus. Other limitations were also presented, such as the first unit having first upper portions and the second unit having first lower portions. Multiple portions are not now recited in the claims. Other changes to the claims have been made. Nonetheless, the foregoing amendments should overcome the current rejections dated March 23, 2007. These distinctions will be discussed in more detail below.

Rejections under 35 U.S.C. §103

The Office Action also rejects claims 1-9, 11-13 under 35 U.S.C. 103 as being unpatentable over Andrews et al. [US 5,225,163] in view of Burdon et al. [US 6,572,830] and further in view of Tai et al. [US 2002/0093143]. Applicant respectfully traverses this rejection.

Claim 10 is rejected under 35 U.S.C. 103 as being unpatentable over Andrews [US 5,225,163] in view of Burdon et al. [US 6,572,830] and in view of Tai et al. [US 2002/0093143], and further in view of Moles [US 6,293,012]. Applicant respectfully traverses this rejection.

Independent claim 1 recites that a first analyzing element disposed in the first target chamber to analyze and detect the multiplex fluid sample, the first analyzing element being replaceable from the first target chambers, and a second analyzing element disposed in the

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second target chamber to analyze and detect the multiplex fluid sample, **the second analyzing element being replaceable from the second target chambers.**

Andrews only teaches two chambers with inlets in the two chambers (37, 38), but does not teach any replaceable analyzing elements from the chambers.

Burdon et al. disclose that multilayered microfluidic device having a substantially monolithic structure is formed by sintering together a plurality of green-sheet layers. Burdon does not explicitly disclose any replaceable analyzing elements from the chambers, as is clearly recited in independent claim 1 of the present invention.

Moreover, independent claim 1 recites that the first lower portion is formed on the upper part of the second unit and corresponds to the first upper portion to combine the first upper portion to form a first target chamber, and the second lower portion is formed on the upper part of the third unit and corresponds to the second upper portion to combine the second upper portion to form a second target chamber. Either Andrews or Burdon et al. fails to disclose the structural features of the present invention. Even when the combined, the combination still fail to teach or suggest the recited as independent claim 1.

Tai et al. teach the use of O-ring between layers in microfluidic system, but does not teach the features of the independent claim 1. Thus, there is no teaching or suggestion or motivation to combine Andrews, Burdon et al. and Tai et al. references.

As none of the cited references, when taken alone or in combination, teach or suggest the feature as set forth in independent claim 1, therefore independent claims 1 is allowable over the cited references.

With respect to the 103 rejection of claims 2-9, 11-13 over Andrews, Burdon et al. and Tai et al. references, Applicant notes that claims 2-9, 11-13 each depend, either directly or indirectly, from independent claim 1 and are therefore patentable over the prior art references for the same reasons provided above with respect to independent claim 1. Accordingly, Applicant

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respectfully requests that the 103 rejection of claims 2-9, 11-13 over Andrews, Burdon et al. and Tai et al. references also be withdrawn.

Moles teaches that materials held between two stiff metal platens connected by a plurality of bolts. Applicant notes that claim 10 depends from independent claim 1 and are therefore patentable over the prior art references for the same reasons provided above with respect to independent claim 1. Accordingly, applicant respectfully requests that the 103 rejection of claims 10 over Andrews, Burdon et al., Tai et al. and Moles references also be withdrawn.

Claims 27-28 have been added and fully are supported by specification of the present invention without raising new matter. Applicant submits that dependent claims 27-28 are patentable by virtue of their dependency from independent claim 1 as well as for the additional limitations recited therein.

Conclusion

In view of the above remarks, the claims of present invention should be allowable. Applicant believes that this paper is responsive to each and every ground of rejection cited in the Office Action in the Action dated March 23, 2007, and respectfully requests favorable action in this application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joe McKinney Muncy Reg. No. 32,334 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 23, 2007

Respectfully submitted,

By 

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